

Motion mooted by the Court's rulings this date on the Government's Motion to Have Two Rebutal Experts, Document #286, and Defendants' Motion to Exclude Damages Evidence, Document #279.



IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	No. 3:09-0445
	)	
v.	)	
	)	
JAMES W. CARELL, ROBERT VINING,	)	JURY DEMAND
DIVERSIFIED HEALTH MANAGEMENT,	)	
INC. (also known as CARELL	)	
MANAGEMENT, LLC), THE JAMES W.	)	
CARELL FAMILY TRUST, CAREALL,	)	
INC., VIP HOME NURSING AND	)	
REHABILITATION SERVICES, LLC	)	
(also known as VIP HOME NURSING AND	)	
REHABILITATION SERVICES, INC.),	)	
PROFESSIONAL HOME HEALTH CARE,	)	
LLC (also known as PROFESSIONAL HOME	)	
HEALTH CARE, INC.), and UNIVERSITY	)	
HOME HEALTH, LLC (also known as	)	
UNIVERSITY HOME HEALTH, INC.),	)	
	)	
Defendants.	)	

**DEFENDANTS JAMES W. CARELL AND CARELL, INC.'S  
MOTION FOR A PROTECTIVE ORDER REGARDING  
DEPOSITIONS OF SCOTT MERTIE AND GLENN PERDUE**

Pursuant to Rule 26(c) of the Federal Rules of Civil Procedure, Defendants hereby move this Court to issue a protective order delaying the depositions of Defendants' experts, Scott Mertie and Glenn Perdue, to save them from "annoyance . . . oppression, [and] undue burden [and] expense." Fed. R. Civ. P. 26(c)(1). The parties have conferred in good faith in an attempt to resolve the dispute, but have been unsuccessful. A joint written statement of the positions of the parties, as required by Local Rule 37.01, is attached.

The United States has recently served Notices of Deposition for these experts scheduling depositions for July 18 and 19, 2011. (Notices of Deposition for Scott Mertie and Glenn Perdue,